

# Notice of Allowability

Application No.

10/785,070

Examiner

D. Margaret Seaman

Applicant(s)

OHTA ET AL.

Art Unit

1625

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview of 6/12/2006.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 10/082,251.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☒ ~~CORRECTED~~ DRAWINGS ( ~~as "replacement sheets"~~ ) must be submitted. of 2/25/2004 are accepted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

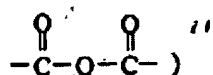
1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joel Armstrong on 6/12/2006.

2. The application has been amended as follows:

Claim 1 lines 2-11: **DELETE** "the group consisting of...Y=OH),"

Claim 1 lines 16-43: **DELETE** "2,2'-biquinoline dicarboxylic acid...to form



Claim 2 lines 6-10: after "dicarboxylic acid " **DELETE** "2,2'-

biquinoline...dicarboxylic acid anhydride" and in its place **INSERT** --of formula (II) according to claim 1 --

Claim 3 line 6 after "compound" **INSERT** --of formula (II) according to claim 1 --  
**DELETE** claims 4 and 5.

3. The following is an examiner's statement of reasons for allowance:

- I. **Restriction to one of the following inventions is required under 35 U.S.C. 121:**
  - I. **Claims 1-5 in part, drawn to a bi-phenyl compound of formula I, classified in class 560, subclass 103, its composition and method of use.**
  - II. **Claims 1-5 in part, drawn to a bi-naphthyl compound of formula II, classified in class 560, subclass 100, its composition and method of use.**
  - III. **Claims 1-5 in part, drawn to a bi-quinoline compound of formula III or IV, classified in class 546, subclass 170, its composition and method of use.**
  - IV. **Claims 1-5 in part, drawn to a bi-anthracene compound of formula V, classified in class 560, subclass 8, its composition and method of use.**
  - V. **Claims 1-5 in part, drawn to a bi-benzoquinoline compound of formula VI, classified in class 546, subclass 101, its composition and method of use.**
  - VI. **Claims 1-5 in part, drawn to a bi-acridine compound of formula VII, classified in class 546, subclass 102, its composition and method of use.**
  - VII. **Claims 3, 4 in part, drawn to a method of using a compound not included in the above groups.**


Applicant elected group II with traverse on 6/5/2006. The elected group II is allowable. The above examiner's amendment deletes non-elected material. The claims 1-3 are in condition for allowance. The closest art is Hosoi which does not teach the instantly claimed compounds or methods.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Margaret Seaman whose telephone number is 571-272-0694. The examiner can normally be reached on 730am-4pm, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas McKenzie can be reached on 571-272-0670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
D. Margaret Seaman  
Primary Examiner  
Art Unit 1625

dms